COMMITTEE ON HEALTH

Report of Regular Meeting Tuesday, March 8, 2016 House Hearing Room 4 -- 2:00 p.m.

Convened 2:14 p.m.

Recessed

Reconvened

Adjourned 3:27 p.m.

Members Present

Members Absent

Mr. Boyer

Mr. Friese

Mr. Lawrence

Mr. Meyer

Mrs. Cobb, Vice-Chairman

Mrs. Carter, Chairman

Agenda

Original Agenda – Attachment 1

Request to Speak

Report – Attachment 2

Presentations

- rependental		
<u>Name</u>	<u>Organization</u>	Attachments (Handouts)
None		

Committee Action

Commi	nee Achon		
<u>Bill</u>	Action	<u>Vote</u>	Attachments (Summaries,
			Amendments, Attendance)
SB1238	HELD		
SB1105	DP	5-0-0-1	3, 4
SB1169	DPA	6-0-0-0	5, 6, 7
SB1300	DPA	6-0-0-0	8, 9, 10
SB1326	DP .	6-0-0-0	11, 12
SB1327	DISCUSSED & HELD		
SB1460	DP	6-0-0-0	13, 14
	COMMITTEE ATTENDANCE		15

Sandy Kelley, Chairman Assistant

March 9, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at http://www.azleg.gov)

Convened 2:14pm adjourned: 3:27pm

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-second Legislature - Second Regular Session

REGULAR MEETING AGENDA

COMMITTEE ON HEALTH

DATE Tuesday, March 8, 2016

ROOM HHR 4

TIME 2:00 P.M.

Strike Everything Title

Members:

Mr. Boyer Mr. Friese

Mr. Lawrence Mr. Meyer

Mrs. Cobb, Vice-Chairman Mrs. Carter, Chairman

Short Title Bills SB1105 acupuncture board; licensure; qualifications (Barto) HEALTH, RULES mental health power of attorney SB1169 (Barto, Driggs: Bradley, et al) HEALTH, RULES SB1238 advisory council; Indian health care (Begay, Lesko: Allen S, et al) HEALTH, RULES SB1300 respiratory care examiners (Barto) () HEALTH, RULES behavioral health; dependent children; reporting SB1326 (Barto) HEALTH, RULES JISCUSS 8B1327 hospitals; dieticians; prescriptions; diet orders (Barto)

HEALTH, RULES

Bills

Short Title

Strike Everything Title

SB1460

pharmacy board; manufacturers; dietary supplements

(Worsley: Farnsworth D)
HEALTH, RULES

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

slk 3/3/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House Health (3/8/2016)

SB1105, acupuncture board; licensure; qualifications

Testified in support:

Barry Aarons, AZ ACUPUNCTURE BOARD OF EXAMINERS

Support:

Pete Gonzalez, AZ ACUPUNCTURE BOARD OF EXAMINERS

SB1169, mental health power of attorney

Testified in support:

Deborah Geesling, representing self

Support:

Eddie Sissons, Mental Health America Of AZ; Rae Hopf, DAVID'S HOPE; Jennifer Carusetta, HEALTH SYSTEM ALLIANCE OF ARIZONA; Steven Moortel, BANNER HEALTH ARIZONA; Barbara Fanning, Arizona Hospital And Healthcare Association; Tara Plese, AZ Alliance For Community Health Centers; Janna Day, STATE BAR OF AZ

SB1238, advisory council; Indian health care

Support:

Ben Alteneder, AZ EARLY CHILDHOOD DEVELOPMENT & HEALTH BOARD; Norris Nordvold, INTER TRIBAL COUNCIL OF ARIZONA; Kim Russell, representing self

Neutral:

Christopher Vinyard, AZ HEALTH CARE COST CONTAINMENT SYSTEM

All Comments:

Norris Nordvold, INTER TRIBAL COUNCIL OF ARIZONA: This language is supported by all 21 tribes and has been cleared with AHCCCS and the Governor's office.

SB1300, respiratory care examiners

Support:

Don Isaacson, LEADINGAGE ARIZONA

SB1326, behavioral health; dependent children; reporting

Support:

Tara Plese, AZ Alliance For Community Health Centers

Neutral:

Christopher Vinyard, AZ HEALTH CARE COST CONTAINMENT SYSTEM

SB1327, hospitals; dieticians; prescriptions; diet orders

Testified in support:

Barbara Fanning, Arizona Hospital And Healthcare Association

Support:

Beth Dorsey, representing self; Wendy Briggs, Arizona Hospital & Healthcare Assn.; Pete Wertheim, Arizona Osteopathic Medical Association; Tara Plese, AZ Alliance For Community Health Centers

SB1460, pharmacy board; manufacturers; dietary supplements

Testified in support:

Russell Smoldon, 21St Century Vitamins

Support:

Kamlesh Gandhi, representing self

All Comments:

Kamlesh Gandhi, Self: Board of Pharmacy, Executive Director

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on HEALTH	Bill Number 53/366
Date 3-8-16	Support Oppose Neutral
Name JACK CONFUR	Need to Speak? ☐ Yes ☐ No
Date 3-8-16 Name JAUK CONFUR Representing CESTILATORY	Are you a registered lobbyist?
Complete Address 1400 W. WASKINGTON, + E-mail Address TOTING CO, AZ, 60V	700 714 AZ 85007
E-mail Address JOTING CO, AZ, 60V	Phone Number 6025425990
Comments:	
FIVE-MINUTE SPEAKIN	G LIMIT
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HOUSE OF REPRESENT	ATIVES
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1100/1	DULY 1 SA 11/6
	Bill Number 58 1169
Date 3-6-16	Support Oppose Neutral
Name James Mongall	Need to Speak? The Yes No Necessa
Representing State BAR	Are you a registered lobbyist?
Complete Address	<u> </u>
E-mail Address SM-Dungay @ FRANK	Phone Number <u>602-558-8890</u>
Comments:	

FIVE-MINUTE SPEAKING LIMIT



SB 1105

acupuncture board; licensure; qualifications Prime Sponsor: Senator Barto, LD 15

X Committee on Health

Caucus and COW

House Engrossed

OVERVIEW

SB 1105 removes the term *relicensure* from a statute related to acupuncture.

PROVISIONS

- 1. Removes the term relicensure from a statute related to acupuncture.
- 2. Applies retroactively after June 30, 2016.

CURRENT LAW

In order to receive a license the applicant must disclose in an application for initial licensure all other active and past professional licenses and certificates issued to the applicant. The applicant must document to the Board's satisfaction that the applicant has successfully completed a clean needle technique course and meets the following: has either: a) been certified in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine or another certifying body; b) passed the point location module, foundations of oriental medicine module, biomedicine module and acupuncture module offered by the National Certification Commission for Acupuncture and Oriental Medicine; and c) been licensed by another state with substantially similar standards and has not had a license suspended or revoked. In addition the applicant graduated from or completed training in a board-approved program of acupuncture with a minimum of 1850 hours of training that includes at 800 hours of clinical training. Beginning July 1, 2016, the applicant has submitted a full set of fingerprints to the Board for the purpose of obtaining a state and federal criminal records check A.R.S. 32-3924.

COMMITTEE ON	HEALTH			BILL NO.	SB 1105
DATE March 8,	2016			MOTION: _	dp
	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Boyer					
Mr. Friese					
Mr. Lawrence					
Mr. Meyer					V
Mrs. Cobb, Vice-Chairman				A CONTRACTOR OF THE CONTRACTOR	
Mrs. Carter, Chairman					
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		Sandy Kelley			
APPROVED:		·	COMMIT	TEE SECRET	ÁRY
HEATHER CARTER, Chairman REGINA COBB, Vice-Chairman					
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SB 1169

mental health power of attorney Prime Sponsor: Senator Barto, LD 15

X Committee on Health

Caucus and COW

House Engrossed

OVERVIEW

SB 1169 makes changes to the provisions related to a mental health care power of attorney.

PROVISIONS

- 1. Removes the terminology (a level one behavioral health facility) and replaces it with inpatient psychiatric facility.
- 2. Removes the requirement that a guardian present a facility with a sworn statement under penalty of perjury that the guardian has presented to the facility a certified copy or a true and correct copy of a certified copy, letters of guardianship with mental health authority that authorize the guardian to admit the ward to a level one behavioral health facility and that the letters of guardianship are currently effective and have not been revoked, terminated or rescinded.
- 3. Includes a physician who is a specialist in neurology as a physician who may determine if a person lacks the ability to give informed consent.
- 4. States that if a patient admitted to or being treated in an inpatient psychiatric facility under the authority of an agent pursuant to a mental health care power of attorney manifests the desire to disqualify an agent or to revoke a mental health care power of attorney and requests in writing to be discharged from the facility, the facility must either discharge the patient or initiate proceedings for court ordered evaluation or treatment:
 - a. Within 48 hours after the facility receives this request, excluding weekends and legal holidays; and
 - b. On the following court day if the 48 hour period expires on a weekend or holiday.
- 5. Stipulates that the discharge criteria outlined above does not apply if the facility is prohibited from discharging the person under federal law or the principal has been determined to be incapable, the treating physician believes that further inpatient treatment is necessary or advisable and the agent under the power of attorney has consented to the continued treatment.
- 6. Allows a principal under a mental health care power of attorney to disqualify an agent or revoke all or any portion of the power of attorney except during times when principal has been found to be incapable.
- 7. Adds language to the sample mental health care power of attorney that states:
 - a. This mental health care power of attorney or any portion of it may not be revoked and any designated agent may not be disqualified by me during times that I am found to be

Health

SB 1169

unable to give informed consent. However, at all other times I retain the right to revoke all or any portion of this mental health care power of attorney or to disqualify any agent designated by me in this document.

- 8. Defines inpatient psychiatric facility.
- 9. Makes technical and conforming changes.

CURRENT LAW

Contained within Title 36, Chapter 32 is the laws related to living wills and health care directives. Article 6 contains the provisions related to a mental health care power of attorney. A principal may designate an agent to make mental health care decisions on that person's behalf. An agent may make decisions about mental health treatment for the principal if the principal is found incapable. If an adult does not have a mental health care power of attorney, an agent with a health care power of attorney may make decisions about mental health treatment on behalf of the principal. These decisions must be consistent with any wishes expressed by the principal A.R.S. 36-3281.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1169 (Reference to Senate engrossed bill)

1	Page 6, between lines 35 and 36, insert:
2	"Sec. 5. Section 36-3202, Arizona Revised Statutes, is amended to
3	read:
4	36-3202. Revocation of health care directive: disqualification
5	<u>of surrogate</u>
6	EXCEPT AS PROVIDED IN SECTION 36-3285 IN REGARD TO A MENTAL CARE HEALTH
7	POWER OF ATTORNEY, a person may revoke his THE PERSON'S own health care
8	directive or disqualify a surrogate by doing any of the following:
9	1. Making a written revocation of a health care directive or a written
10	statement to disqualify a surrogate.
11	2. Orally notifying the surrogate or a health care provider.
12	 Making a new health care directive.
13	4. Any other act that demonstrates a specific intent to revoke or to
14	disqualify a surrogate."
15	Renumber to conform
16	Amend title to conform

HEATHER CARTER

1169hc 02/19/2016 10:04 AM C: kcb

Attachment 6

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COMMITTEE ON	HEALT	Н		BILL NO.	SB 1169
DATE March 8, 26	016			MOTION: _	dpa
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Mr. Boyer		/			
Mr. Friese		V			
Mr. Lawrence		V			
Mr. Meyer					
Mrs. Cobb, Vice-Chairman		V			
Mrs. Carter, Chairman		V			
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SB 1300

respiratory care examiners
Prime Sponsor: Senator Barto, LD 15

X Committee on Health

Caucus and COW

House Engrossed

OVERVIEW

SB 1300 makes revisions to the Arizona State Board of Respiratory Care Examiners (Board) statutes.

PROVISIONS

- 1. Removes the requirement for the Board to license applicants as respiratory therapy technicians and instead licenses applicants as respiratory therapists.
- 2. States that all board meetings are open to the public and does not allow the Board to hold closed sessions to approve examinations or, on the request of an applicant who fails an examination, prepare a response indicating a reason for an applicant's failure.
- 3. Establishes a confidential program for the monitoring of licensees who are chemically dependent and who enroll in rehabilitation programs that meet the criteria established by the Board. The Board may take further action if the licensee refuses to enter into a stipulated agreement or fails to comply with its terms. In order to protect the public health and safety, the confidentiality requirements do not apply if the licensee does not comply with the stipulated agreement.
- 4. Terminates the program above on July 1, 2026.
- 5. Requires the Executive Director of the Board to enter into stipulated agreements with licensees for the confidential treatment, rehabilitation and monitoring of chemical dependency.
- 6. Mandates that a licensee who materially fails to comply with program requirements must be reported to the Board and terminated from the confidential program. Any records of a licensee who is terminated from a confidential program are no longer confidential or exempt from the public records law.
- 7. States that stipulated agreements are not public records if the following conditions are met:
 - a. The licensee voluntarily agrees to participate in the confidential program;
 - b. The licensee complies with all treatment requirements or recommendations, including participation in alcoholics anonymous or an equivalent twelve-step program and support group;
 - c. The licensee refrains from the practice of respiratory care until the return to the practice of respiratory care has been approved by the treatment program and the executive director or the executive director's designee;

Health

SB 1300

- d. The licensee complies with all monitoring requirements of the stipulated agreement, including random bodily fluid testing; and
- e. The licensee's respiratory care employer is notified of the licensee's chemical dependency and participation in the confidential program and is provided a copy of the stipulated agreement.
- 8. Permits the Board to renew an expired license within 90 days after the expiration of the license if the applicant has complied with all late renewal application requirements and paid the application and renewal fees.
- 9. Requires the Board to charge two-hundred dollars for the license renewal or late license renewal fee.
- 10. Removes the ability of the Board to charge an examination fee of one-hundred fifty dollars.
- 11. Requires the licensed respiratory care practitioner to submit to the Board, within 20 days after notification, an answer in regards to allegations contained in an initial complaint notification.
- 12. Permits the Board, on determination of reasonable cause or if delegated by the executive director of the Board, to require a licensee or applicant to undergo, at the expense of the licensee or applicant, any combination of mental, physical or psychological examinations, assessments or skills evaluations necessary to determine the person's competence or ability to practice safely. The examinations may include bodily fluid testing and other examinations known to detect the presence of alcohol or drugs.
- 13. States that if the Executive Director orders the licensee or applicant to take an examination, assessment or evaluation and the licensee or applicant fails to affirm to the Board in writing within 15 days after receipt of the notice of the order that the licensee or applicant intends to comply, the executive director must refer the matter to the Board and allow the Board to determine whether to issue an order.
- 14. Requires the executive director to report to the Board, at each regular meeting, data concerning orders issued by the executive director since the last regular meeting of the Board and any other data requested by the Board.
- 15. Allows the Board to issue a civil penalty of up to five-hundred dollars per violation if after an investigation of a licensee by the Board, the Board finds that the information is not of sufficient seriousness to merit suspension or revocation of the license.
- 16. Adds that if a notice of a hearing is served by certified mail, service is complete on the date the notice is placed in the mail.
- 17. Requires a licensee to respond in writing to the Board within 30 days after notice of a hearing is served.
- 18. Allows the Board to consider a licensee's failure to respond within 30 days as an admission by default to the allegations stated in the complaint. The Board may then take any disciplinary action allowed without conducting a hearing.
- 19. Amends the definitions of respiratory therapy training program and unprofessional conduct.
- 20. Makes technical and conforming changes.

SB 1300

CURRENT LAW

Contained in Title 32, Chapter 35 are laws relating to the Arizona State Board of Respiratory Care Examiners. Included therein are licensing requirements for applicants and regulations for disciplinary actions.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1300 (Reference to Senate engrossed bill)

1	Page 4, line 2, after the period insert "THE BOARD SHALL APPROVE ORGANIZATIONS FROM
2	WHICH CONTINUING EDUCATION CLASSES MAY BE ACCEPTED."
3	Page 10, after line 33, insert:
4	"Sec. 10. <u>Rulemaking: exemption</u>
5	The board of respiratory care examiners shall adopt rules to implement
6	this act. For the purposes of this act, the board of respiratory care
7	examiners is exempt from the rulemaking requirements of title 41, chapter 6,
8	Arizona Revised Statutes, for one year after the effective date of this act."
9	Amend title to conform

HEATHER CARTER

1300CARTER 03/03/2016 09:11 AM C: MJH

Attachment $\underline{\mathcal{I}}$

Adopted V	# of Verbals	
Failed	Withdrawn	
Not Offered	_ Analysts Initials	

COMMITTEE ON	HEAL1	ГН		BILL NO.	SB 1300
DATE March 8, 2	016			MOTION: _	dpa
	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Boyer					
Mr. Friese		/			
Mr. Lawrence		i/			
Mr. Meyer		/			
Mrs. Cobb, Vice-Chairman		V			
Mrs. Carter, Chairman		1/			
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HEATHER CARTER, Chairman REGINA COBB, Vice-Chairman					
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SB 1326

behavioral health; dependent children; reporting Prime Sponsor: Senator Barto, LD 15

X Committee on Health

Caucus and COW

House Engrossed

OVERVIEW

SB 1326 updates statute to reflect the transfer of behavioral health services from Arizona Department of Health Services (ADHS) to the Arizona Health Care Cost Containment System Administration (AHCCCS) in 2015.

PROVISIONS

- 1. Revises statute to reflect the transfer of behavioral health services from ADHS to AHCCCS.
- 2. Continues the requirement for AHCCCS to prepare a Quarterly Financial Program Accountability Trends Report until December 31, 2018.
- 3. Makes technical changes.

CURRENT LAW

Laws 2013, chapter 220, section 7 states that beginning on the last day of the month following the effective date of this act through December 31, 2015, ADHS and the Department of Economic Security must prepare and issue a quarterly financial and program accountability trends report to the Governor, the Chairpersons of the House of Representatives Health and Reform and Human Services Committee, the Chairperson of the Senate Health and Human Services Committee, the Director of the Joint Legislative Budget Committee and the Director of the Governor's Office of Strategic Planning and Budgeting.

ADDITIONAL INFORMATION

Laws 2015, Chapter 195 transferred behavioral health services from ADHS to AHCCCS.

Health

COMMITTEE ON HEALTH		BILL NO.	SB 1326		
DATE March 8, 20	016			MOTION: _	dp
	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Boyer					
Mr. Friese					
Mr. Lawrence					
Mr. Meyer					
Mrs. Cobb, Vice-Chairman		V			
Mrs. Carter, Chairman		<i>\</i>			
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HEATHER CARTER, Chairman REGINA COBB, Vice-Chairman					U
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SB 1460

pharmacy board; manufacturers; dietary supplements Prime Sponsor: Senator Worsley, LD 25

X Committee on Health

Caucus and COW

House Engrossed

OVERVIEW

SB 1460 permits the Arizona State Board of Pharmacy (Board) to issue a certificate of free sale to any person licensed by the Board as a manufacturer that wants to sell food supplements or dietary supplements domestically or internationally.

PROVISIONS

- 1. Allows the Board to issue a certificate of free sale to any person that is licensed by the Board as a manufacturer for the purposes of manufacturing or distributing food supplements or dietary supplements that wants to sell food supplements or dietary supplements domestically or internationally. The application must contain all of the following:
 - a. The applicant's name, address, e-mail address, telephone and fax number;
 - b. The product's full, common or usual name;
 - c. A copy of the label for each product listed. If the product is to be exported in bulk and a label is not available, the applicant must include a certificate of composition;
 - d. The country of export, if applicable; and
 - e. The number of certificates of free sale requested.
- 2. Mandates the Board establish an inspection process for the issuance of certificates of free sale or good manufacturing practice certifications. The Board must establish in rule:
 - a. A fee for the issuance of certificates of free sale;
 - b. A fee for the issuance of good manufacturing practice certifications; and
 - c. An annual inspection fee.
- 3. Exempts, for purposes related to this act, the Board from the rule making requirements for one year after the effective date of this act.
- 4. Defines certificate of composition, certificate of free sale and good manufacturing practice.
- 5. Makes technical and conforming changes.

CURRENT LAW

A.R.S. § 32-1904 outlines requirements the Board must establish along with items the Board may enact. Requirements, in part, include making bylaws and rules, fix standards and requirements for the registration of pharmacies, examine and license pharmacists and pharmacy interns. The Board, in part, is allowed to employ chemists, compliance officers, clerical help and other employees, approve or reject the manner of storage and security of drugs, adopt rules for professional conduct and approve colleges or schools of pharmacy.

ADDITIONAL INFORMATION

Fifty-second Legislature Second Regular Session Health

SB 1460

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A certificate of free sale as defined by the U.S. Food and Drug Administration (FDA) is a certificate that indicates that the particular product is marketed in the United States or eligible for export, and that the particular manufacturer has no unresolved enforcement actions pending before or taken by the FDA. These certificates may be issued by FDA-CFSAN or by a state governmental authority <u>FDA</u>.

COMMITTEE ON	HEALTH		BILL NO.	SB 1460	
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Mr. Friese		V			
Mr. Lawrence		V			
Mr. Meyer					
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Mrs. Carter, Chairman					
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ARIZONA STATE LEGISLATURE

Fifty-second Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON		HEALTH		
CHAIRMAN: Heather Carter		VICE-CHAIRMAN: Regina Cobb		
	DATE	2/16/16 2/23/16 3/2	<i>8</i> /16	
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MEMBERS)			
Mr. Boyer		V v		
Mr. Friese		VV		
Mr. Lawrer	nce	/ / / L	/	
Mr. Meyer		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	/	
Mrs. Cobb	, Vice-Chairman	VVi		
Mrs. Carte	r, Chairman	VVV		
	√ Present	Absent	exc Excused	